
SUBSTITUTE SENATE BILL 5839

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Benton, Stevens and Hargrove)

READ FIRST TIME 02/23/07.

1 AN ACT Relating to nonmandatory reports of child abuse or neglect;
2 amending RCW 26.44.060; and adding a new section to chapter 26.44 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.44.060 and 2004 c 37 s 1 are each amended to read
5 as follows:

6 (1)(a) Except as provided in (b) of this subsection, any person
7 participating in good faith in the making of a report pursuant to this
8 chapter or testifying as to alleged child abuse or neglect in a
9 judicial proceeding shall in so doing be immune from any liability
10 arising out of such reporting or testifying under any law of this state
11 or its political subdivisions.

12 (b) A person convicted of a violation of subsection (4) of this
13 section shall not be immune from liability under (a) of this
14 subsection.

15 (2) An administrator of a hospital or similar institution or any
16 physician licensed pursuant to chapters 18.71 or 18.57 RCW taking a
17 child into custody pursuant to RCW 26.44.056 shall not be subject to
18 criminal or civil liability for such taking into custody.

1 (3) Conduct conforming with the reporting requirements of this
2 chapter shall not be deemed a violation of the confidential
3 communication privilege of RCW 5.60.060 (3) and (4), 18.53.200 and
4 18.83.110. Nothing in this chapter shall be construed as to supersede
5 or abridge remedies provided in chapter 4.92 RCW.

6 (4) A person who, intentionally and in bad faith (~~or~~
7 ~~maliciously~~)), knowingly makes a false report of alleged abuse or
8 neglect shall be guilty of a misdemeanor punishable in accordance with
9 RCW 9A.20.021.

10 (5) A person who, in good faith and without gross negligence,
11 cooperates in an investigation arising as a result of a report made
12 pursuant to this chapter, shall not be subject to civil liability
13 arising out of his or her cooperation. This subsection does not apply
14 to a person who caused or allowed the child abuse or neglect to occur.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 26.44 RCW
16 to read as follows:

17 (1) The child protective services section shall prepare a statement
18 warning against false reporting of alleged child abuse or neglect for
19 inclusion in any instructions, informational brochures, educational
20 forms, and handbooks developed or prepared for or by the department and
21 relating to the reporting of abuse or neglect of children. Such
22 statement shall include information on the criminal penalties that
23 apply to false reports of alleged child abuse or neglect under RCW
24 26.44.060(4). It shall not be necessary to reprint existing materials
25 if any other less expensive technique can be used. Materials shall be
26 revised when reproduced.

27 (2) The child protective services section shall send a letter by
28 certified mail to any person determined by the section to have made a
29 false report of child abuse or neglect informing the person that such
30 a determination has been made and that a second or subsequent false
31 report will be referred to the proper law enforcement agency for
32 investigation.

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